

Honorable Mark D. Boughton, Mayor
Common Council Members

Mayor Mark D. Boughton called the Common Council Meeting to order at 7:30PM on Tuesday, June 3, 2008.

Present were Council members: Louise P. McMahon, Shay Nagarsheth, James H. Johnson, Charles Trombetta, Michael J. Calandrino, Duane E. Perkins, Fred Visconti, Benjamin Chianese, John J. Esposito, Thomas J. Saadi, Joseph M. Cavo, Paul T. Rotello, Jane Diggs, Mary Teicholz, Robert F. Arconti, Philip Curran, Jack Knapp, Warren M. Levy, Robert Riley, Gregg Seabury and Colleen A. Stanley

PRESENT: 21 ABSENT: 0

Jean Natale, City Clerk; Robert J. Yamin, Corporation Counsel and Laszlo L. Pinter, Deputy Corporation Counsel were also present.

PLEDGE OF ALLEGIANCE TO THE FLAG & PRAYER:

Councilman Visconti led everyone in the room in the Pledge of Allegiance.
Councilman Riley led everyone in the room in a prayer.

Councilman Visconti was recognized for an act of heroism during a recent fire in his neighborhood. Mayor Boughton presented him with a proclamation and a key to the City. Councilman Visconti received a standing ovation from everyone in attendance.

PUBLIC PARTICIPATION:

Frank Anders- 9 Terra Glen Rd. spoke regarding bond items on the agenda

Lynn Waller- 83 Highland Ave. spoke regarding items #21, #22 and #26

Eileen Cipolla- 36 Farview Ave. spoke regarding #31

Jim Twitchell- 62 Briar Ridge spoke regarding # 9

Mary Collins- 2 Frontier La. spoke regarding #31

Elise Marciano- 179 Long Ridge Rd. spoke regarding #31

Elizabeth Bontempi- 175 Kohanza St. spoke regarding #1

Richard Jannelli- 18 Benson Dr., member of the Board of Education, spoke regarding #'s 21-25

Helena Abrantes- 12 Fanton Rd. spoke regarding #21-25 and #31

Elke Probst- 11 Belmont Cir. Spoke regarding #31

Gerard O'Callaghan- 136 Pembroke Rd. #43 spoke regarding #31

Pauline Basso- 8 Hoyt St. spoke regarding #31

Pat Kadet- 19 Lakeview Dr. spoke regarding #31

Margaret Mitchell- Taxpayer at 2 Park Pl. spoke regarding #'s 21-25

Ken Gucker- 89 Pembroke Rd. spoke regarding #'s 21-25 and #31

Public speaking ended at 8:06PM.

Mayor Boughton read the announcements for the month of June.

MINUTES – Councilman Cavo moved to accept the minutes of May 6, 2008 and to waive the reading of same, as the Council members have copies and are also on file in the City Clerk's Office. Seconded by Councilman Nagarsheth. **Motion passed by unanimous vote.**

CONSENT CALENDAR- Councilman Seabury presented the following items for the Consent Calendar:

10 - COMMUNICATION - Transfer of Funds - Fire Department

Receive the communication and approve the transfer of \$20,000.00 into the Fire Department Special Services Account #2010.5052 due to ongoing events.

11 - COMMUNICATION - Transfer of Funds - Fire Department - Fire Watch

Receive the communication and approve the transfer of \$500.00 from each of the fire watch invoices #2670 and #2686 and transfer the \$1,000.00 into the Fire Department Maintain Automotive account #2010.5506.

12 - COMMUNICATION - Appointment - Firefighters Pension Board

Receive the communication and confirm the appointment of Phil Curran to serve as a member of the Danbury Professional Firefighters Pension Board.

14 - COMMUNICATION - Appropriation to the Ambulance Fund

Receive the communication and authorize the transfer of \$50,000.00 to the Ambulance Fund budget line item #5000.5349 Billing Fees.

15 - COMMUNICATION - Annual Suspense List

Receive the communication and approve the Annual Suspense List in the amount of \$207,098.19 as recommended by the Tax Collector.

17 - COMMUNICATION - Fill Vacancy - Constable

Receive the communication and confirm the appointment of Michael Sefranek to serve as Constable.

19 - RESOLUTION - Preventive Health Care Block Grant

Receive the communication and adopt the Resolution authorizing the City of Danbury, Department of Health and Welfare to apply for and accept funding from the State of Connecticut Department of Public Health in the amount of \$13,831 for the Preventative Health Care Block Grant.

20 - REPORT - Sanitary Sewer Extension - Kevin Drive

Receive the communication and take no action. The action of the Common Council was clarified to reflect that the project would not proceed based on the vote of the property owners.

26 - AD HOC REPORT & ORDINANCE - S.A.V.E.

Receive the report and refer to a Public Hearing

27 - AD HOC REPORT - Encroachment Easement - 37 Rocky Glen Road

Receive the report and approve the recommendations of the committee.

28 - AD HOC REPORT - Yellow Pages

Receive the report and approve the recommendations of the committee.

30 - AD HOC REPORT - FAA Leases

Receive the report and approve the recommendations of the committee.

Councilwoman Teicholz moved to accept the Consent Calendar as presented.

Seconded by Councilman Johnson. **Motion passed by unanimous vote.**

1 - COMMUNICATION - Grant - Richter Park Authority

City Clerk Natale read the communication. Councilman Cavo moved to receive the communication and authorize application for the grant application. Seconded by Councilwoman McMahon. Discussion followed. Mayor Boughton explained that the \$20,000, if granted, would be to hire consultants for historical and restoration architectural reviews of the Richter House. **Motion passed by unanimous vote.**

2 - COMMUNICATION - Donations - Paracare

City Clerk Natale read the communication. Councilman Nagarsheth moved to receive the communication and accept the donations. Seconded by Councilman Riley.

Motion passed by unanimous vote.

3 - COMMUNICATION - Donation - Police Department

City Clerk Natale read the communication. Councilwoman Stanley moved to receive the communication and accept the donation. Seconded by Councilman Seabury.

Motion passed by unanimous vote.

4- COMMUNICATION - Donation - Fire Marshal's Office

City Clerk Natale read the communication. Councilman Saadi moved to receive and accept the donation. Seconded by Councilman Trombetta.

Motion passed by unanimous vote.

5 - COMMUNICATION – Donation – Fire Department

City Clerk Natale read the communication. Councilman Curran moved to receive the communication and accept the donation. Seconded by Councilman Chianese. **Motion passed by unanimous vote.**

6 - COMMUNICATION - Donations to the Department of Elderly Services

City Clerk Natale read the communication. Councilman Cavo moved to accept the communication and receive the donations. Seconded by Councilman Chianese.

Motion passed by unanimous vote.

7 - COMMUNICATION - Donation to the Danbury Library

City Clerk Natale read the communication. Councilman Calandrino moved to receive the communication and accept the donation. Seconded by Councilman Nagarsheth.

Motion passed by unanimous vote.

8 - COMMUNICATION - Donation of Transmitter, Wiring and Antenna

City Clerk Natale read the communication. Councilman Knapp moved to receive the communication and accept the donation. Seconded by Councilman Riley. Discussion followed. Airport Administrator Estefan gave a brief history of the transmitter and receiver, which is low band frequency range. The equipment has been in place for approximately two decades and is now being donated to the City. He anticipated very little expense if the equipment is maintained properly. **Motion passed by unanimous vote.**

9 - COMMUNICATION - Donation - Speed Humps

City Clerk Natale read the communication. Councilman Cavo moved to receive the communication and accept the donation. Seconded by Councilman Chianese. Discussion followed. Antonio Iadarola, Director of Public Works discussed the process currently in place for approval for installation of speed humps. **Motion passed by unanimous vote.**

10 - COMMUNICATION - Transfer of Funds - Fire Department

The communication was received on the Consent Calendar and approved.

11 - COMMUNICATION - Transfer of Funds - Fire Department - Fire Watch

The communication was received on the Consent Calendar and approved.

12 - COMMUNICATION - Appointment - Firefighters Pension Board

The communication was received on the Consent Calendar and the appointment confirmed.

13 - COMMUNICATION - Tax Deferral Ordinance Amendment

City Clerk Natale read the communication. Councilwoman McMahon requested this item be referred to a public hearing.

14 - COMMUNICATION - Appropriation to the Ambulance Fund

The communication was received on the Consent Calendar and the transfer authorized.

15 - COMMUNICATION - Annual Suspense List

The communication was received on the Consent Calendar and approved.

16 - COMMUNICATION - Amendments to Ordinances, Section 19 -4; 19-34.1; 19-35 Police Department

City Clerk Natale read the communication. Councilman Riley moved to refer item to Ad Hoc with Corporation Counsel, the Chief of Police, and a representative from the UNIT. The Committee shall consist of Councilmen Arconti, Knapp and Visconti.

17 - COMMUNICATION - Fill Vacancy - Constable

The communication was received on the Consent Calendar and the appointment confirmed.

18 - COMMUNICATION – Request for Sewer-67 Newtown Road and 1 Plumtrees Road

Councilwoman Stanley requested this item be referred to Engineering and Planning for reports.

19 - RESOLUTION - Preventive Health Care Block Grant

The communication was received on the Consent Calendar and the Resolution adopted.

20 - REPORT - Sanitary Sewer Extension - Kevin Drive

The communication was received on the Consent Calendar and the Resolution adopted.

21 - ORDINANCE - An Ordinance Appropriating \$500,000 For Replacement Patrol Vehicles For The Police Department And For Public Safety Technology Equipment In The 2008-2009 Capital Budget And Authorizing The Issuance Of \$500,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Councilman Arconti moved to receive and adopt the Ordinance as presented.

Seconded by Councilman Seabury. Discussion and debate followed. David St. Hilaire, Director of Finance, explained that the funds would be used to purchase patrol vehicles, technical equipment and fire equipment and that opportunity costs would be examined. He also stated that the lives of the projects were considered and it would be less expensive to bond than to pay for the items directly. Anticipation notes and interest rates were discussed.

Chief Baker explained that there are 40 front line vehicles, which upon replacement, are rotated into other departments within the Police Department or other City departments.

Councilman Rotello and Saadi explained that all are worthy projects, but they would not vote in favor of all of them because they disagreed with the process utilized for the bonds. Councilman Levy concurred and stated that he would rather see the cars in the operating budget.

A roll call vote was taken as follows: McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Visconti, Esposito, Cavo, Diggs, Teicholz, Arconti, Curran, Knapp, Riley, Seabury, Stanley voted yes. Perkins, Chianese, Saadi, Levy and Rotello voted no.

Motion passed 16 yes - 5 no.

22 - ORDINANCE - An Ordinance Appropriating \$500,000 For School Technology Projects In The 2008-2009 Capital Budget And Authorizing The Issuance Of \$500,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Councilman Seabury moved to receive and adopt the Ordinance as presented. Motion was seconded by Councilman Riley. Discussion and debate followed. Elio Longo, Director of Finance for the Board of Education explained that the funds would be used to update systems, computers and servers. The life expectancy of the new equipment would be approximately 7+ years.

Dr. Sal Pasquarella, Superintendent of Schools, stated that a comprehensive plan was in place, which includes the Alternative High School, and that \$2 million would be the cost to upgrade all of the systems, computers and servers for the entire Education Department. This bond would be used for Phase I. Dr. Pasquarella thanked the Common Council for the proposed appropriation.

Susan Podhajski, Board of Education Chair, gave a brief history of the problems which need to be addressed. A comprehensive plan has been developed and the needs of the school system will continue to be addressed.

Susan Rice, Director of Information Services for the Board of Education, gave an overview of the technology plan.

David St. Hilaire, Director of Finance for the City of Danbury, stated that the Board of Education would do the purchasing but, the bond counsel would oversee to ensure the funds are spent for the purpose stated.

Councilman Perkins stated that he felt the plan was not comprehensive enough. Councilman Saadi stated that he will be voting against the Ordinance in the manner it is presented.

A roll call vote was taken as follows: McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Chianese, Cavo, Diggs, Teicholz, Arconti, Curran, Knapp, Riley, Seabury and Stanley voted yes. Perkins, Visconti, Esposito, Saadi, Rotello and Levy voted no. **Motion passed 15 yes -6 no.**

23 - ORDINANCE - An Ordinance Appropriating \$497,850 For School Improvements In The 2008-2009 Capital Budget And Authorizing The Issuance Of \$497,850 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.

Councilman Cavo moved to receive and adopt the Ordinance as presented. Seconded by Councilwoman Stanley. Discussion followed. Antonio Iadarola, Director of Public Works, advised that projects are selected by priority of need. If this project is not moved forward, there could eventually be air quality issues. Broadview School has low pressure and booster pumps are needed. **Motion passed by unanimous vote.**

24 - ORDINANCE - An Ordinance Appropriating \$500,000 For Recreation And Public Improvement Projects In The 2008-2009 Capital Budget And Authorizing The Issuance Of \$500,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Councilman Knapp moved to receive and adopt the Ordinance as presented. Seconded by Councilwoman McMahon. Discussion followed. Antonio Iadarola, Director of Public Works, explained the approach to addressing drainage repairs. The Hatters Park improvement was generated by an increased interest in the use of the fields. Drainage and fence work would be performed in-house as much as possible to stretch the dollars appropriated. Discussion also followed regarding the Richter House improvements. At the present time, the plan is to weather tight the building.

A roll call vote was taken as follows: McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Chianese, Esposito, Cavo, Diggs, Teicholz, Arconti, Curran, Knapp, Riley, Seabury and Stanley voted yes. Saadi, Rotello and Levy votes no. **Motion passed 18 yes – 3 no.**

25 - ORDINANCE - An Ordinance Appropriating \$500,000 For A Phosphorus Study In The 2008-2009 Capital Budget And Authorizing The Issuance Of \$500,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Councilman Johnson moved to receive and adopt the Ordinance as presented. Seconded by Councilman Chianese. Discussion followed. David St. Hilaire, Director of Finance explained that a DEP grant would offset some of the funding reducing the impact on the rate payers.

Antonio Iadarola, Director of Public Works, gave a brief overview of the history of the study. An abatement order is under discussion with DEP since March 2008 and the phosphorous rate must be lowered to acceptable levels. **Motion passed by unanimous vote.**

26 - AD HOC REPORT & ORDINANCE - S.A.V.E.

The report was received on the Consent Calendar and referred to a Public Hearing.

27 - AD HOC REPORT - Encroachment Easement - 37 Rocky Glen Road

The report was received on the Consent Calendar and approved.

28 - AD HOC REPORT - Yellow Pages

The report was received on the Consent Calendar and approved.

29 - AD HOC REPORT - Ambulance/Advanced Life Support

Ambulance/Advanced Life Support

Councilman Curran read the minutes of the meeting. Councilman Calandrino moved to receive the report and approve the recommendation as presented. Seconded by Councilman Visconti. Discussion followed. The bid process for contracts and insurance considerations were discussed. **Motion passed by unanimous vote.**

30 - AD HOC REPORT - FAA Leases

The report was received on the Consent Calendar and approved.

31 - REPORT - Hispanic Center

Councilman Riley read the minutes of the ad hoc meeting for the Hispanic Center. It was noted that Councilman Nagarsheth seconded the motion to adjourn.

Councilwoman Stanley moved to receive and accept the report. Seconded by Councilman Cavo. Discussion and debate followed. Councilman Riley provided background information regarding the withholding of funding for FY 2007-2008 and the subsequent denial of the restoration of funds.

Councilwoman Diggs stated that she would read some written remarks and then make a motion. After reading a portion of her statement regarding the posting of the Hispanic Center Ad Hoc Meeting and that the denial to restore funding was racially motivated, Mayor Boughton stated to Councilwoman Diggs that the issue should be discussed in a different forum and discussion should be limited to the Ad Hoc Report. Councilman Rotello called a point of order. Councilwoman Diggs then moved to amend the report to restore the funding in the full amount of \$25,900 to the Hispanic Center and revisit the funding of the Hispanic Center prior to the September 2007 Common Council meeting. Seconded by Councilman Riley. Debate and discussion followed. Upon the request of Councilman Rotello Atty. Pinter clarified some legal points regarding Councilwoman Diggs' motion and any subsequent votes.

Atty. Pinter also reviewed the requirements for notification of meetings and stated that the statutory requirements were met in this case.

Councilman Chianese called a point of order to inquire if recommitment could be discussed. Mayor Boughton stated that there was a motion on the floor. Discussion followed regarding distribution of any restored funds, which would come out of the Contingency Fund, and the encumbrance the funds.

A roll call vote was taken as follows: Perkins, Visconti, Chianese, Rotello, Diggs and Riley voted yes. McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Esposito, Saadi, Cavo, Teicholz, Arconti, Curran, Knapp, Levy, Seabury and Stanley voted no. **Motion failed 6 yes – 15 no.**

Councilman Chianese moved to recommit the Ad Hoc on the Hispanic Center. Seconded by Councilman Rotello. Discussion and debate followed. Mayor Boughton advised that the Hispanic Center would be sent back to the current Ad Hoc Committee members, Councilmen Riley, Visconti and Nagarsheth. Councilman Chianese stated his thoughts on the communication for the Ad Hoc and he would like to further debate the Hispanic Center.

Councilman Saadi moved the question. Seconded by Councilman Calandrino. A roll call was taken to move the question as follows: McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Chianese, Esposito, Saadi, Cavo, Diggs, Curran, Knapp, Levy, Riley, Seabury and Stanley voted yes. Rotello, Teicholz and Arconti voted no. **Motion passed 18 yes - 3 no.**

A roll call vote was then taken on the motion to recommit as follows: Trombetta, Perkins, Chianese, Saadi, Rotello, Diggs, Teicholz, Levy and Riley voted yes. McMahon, Nagarsheth, Johnson, Calandrino, Visconti, Esposito, Cavo, Arconti, Curran, Knapp, Seabury and Stanley voted no. **Motion failed 9 yes – 12 no.**

Mayor Boughton called for a vote on the main motion to accept the report. Discussion followed. Councilman Cavo stated that he had a copy of the stamped meeting notice filed on May 19, 2008 at 9:30AM, before the 24 hour statute, and said notice was posted on the website. Councilwoman Diggs stated that she did not see the notice in her email and did not see it posted at City Hall.

Councilman Seabury moved the question. Seconded by Councilman Cavo. A roll call vote was taken as follows: McMahon, Nagarsheth, Johnson, Calandrino, Visconti, Esposito, Cavo, Curran, Levy, Seabury and Stanley voted yes. Trombetta, Perkins, Chianese, Saadi, Rotello, Diggs, Teicholz, Arconti, Knapp and Riley voted no. **Motion passed 11 yes -10 no.**

A roll call vote was then taken on the main motion, to accept the report of the Ad Hoc Committee as follows: McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Visconti, Esposito, Saadi, Cavo, Teicholz, Arconti, Curran, Knapp, Levy, Seabury and Stanley voted yes. Perkins, Chianese, Rotello, Diggs and Riley voted no. **Motion passed 16 yes -5 no.**

32 - AD HOC REPORT - Berkley Holdings Corporation

Councilman Curran read the minutes of the meeting. Councilman Curran moved to accept the report and approve the recommendation as presented. Seconded by Councilman Riley. Discussion followed regarding Berkley Holdings Corporation's

opportunity to apply for tax deferrals and the intention to define what will be considered an emergency. **Motion passed by unanimous vote.**

33 - DEPARTMENT REPORTS - Police, Fire, Public Works, Elderly Services, Dream Homes, Economic Development, Health-Housing & Welfare, Permit Center, Unit, Library

Councilman Cavo moved to waive the reading of the Department Reports as all members have copies and same are on file with the City Clerk. Seconded by Councilman Perkins. Discussion followed regarding the Weight and Measures Division, traffic enforcement, the response to the high school during a recent incident. There were also comments regarding the Connecticut Film Festival. Councilman Visconti thanked everyone for the kudos and praised the Police Department and Fire Department for their response to the recent fire in his neighborhood. **Motion passed by unanimous vote.**

Councilman Cavo moved to add item #34, Runway #26, to the agenda. Seconded by Councilman Rotello. **Motion passed by unanimous vote.**

34 - Runway #26

City Clerk Natale read the communication. Discussion followed the area needing repair and the grant. Councilman Teicholz moved to receive and adopt the Resolution authorizing Mayor Boughton and Paul Estefan to apply to the FAA to obtain grant funding and to execute any necessary documents. Seconded by Councilman Johnson. **Motion passed by unanimous vote**

Mayor Boughton congratulated the Council on the evening's work, and extended all committees.

There being no further business to come before the Common Council, Councilman Levy moved to adjourn at 11:35PM. Seconded by Councilman Seabury. **Motion passed by unanimous vote.**

Respectfully submitted,

Doratheia A. Gulya-Stasny
Recording Secretary

Attest,
Mark D. Boughton, Mayor